

# Exhibit 26

**DECLARATION OF DR. CHRIS BOTANGA**

I, Dr. Chris Botanga, declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct:

1. I am a Professor of Genetics & Genomics and the Executive Director for the Center for STEM Education & Research (“CSER”) at Chicago State University (“CSU” or the “University”).

2. I am over the age of 18 and have personal knowledge of all the facts stated herein, including knowledge based on my experience and information provided to me. If called as a witness, I could and would testify competently to the matters set forth below.

3. I submit this Declaration in support of the Plaintiff States’ Motion for Preliminary Injunction.

**Background**

4. I earned a Ph.D. degree in Biology at the University of Virginia, Charlottesville, Virginia and served as a Postdoctoral Associate (Genetics and Genomics) at the University of Minnesota, Twin Cities, Minnesota. I joined CSU in 2009 as an Assistant Professor and am currently a Professor of Genetics and Genomics and the Executive Director of CSER. I have received over \$16 million in federal grants and authored several publications in peer-reviewed journals. I recently served as the Guest Associate Editor for the Journal, *Frontiers in Education*, on the Special Issue Publication *New Developments in Pathways Towards Diversity and Inclusion in STEM: A United States Perspective*. Other than teaching and maintaining a highly productive grantsmanship, I have mentored both undergraduate and graduate students, including some who completed their thesis work under my supervision. Current research in my laboratory focuses on understanding the genes that are involved in cell wall biosynthesis.

5. I lead and conduct research focused on characterizing genes involved in cell wall biosynthesis at CSU. Through this and my position at the University, I am familiar with the National Science Foundation (“NSF”) application and funding process. I have led several regional and national projects that have seen students mentored locally at their home institutions as well as national laboratories such as the Argonne National Lab and the Fermi National Lab beginning in 2012 until Friday May 2, 2025, when these projects were terminated by the NSF. My NSF-funded research has included: the Louis Stokes Midwest Regional Center of Excellence; the Illinois Louis Stokes Alliances for Minority Participation (“LSAMP”) 2021 Principal Investigators (“PI”) and Project Directors (“PD”) Meeting; the 2023 PI/PD Meeting; the 2024 & 2025 NSF LSAMP Stakeholders Convenings; and the LSAMP National Coordination Hub.

#### **Projects Affected by NSF Priority Changes**

6. On May 2, 2025, NSF provided notice that it had terminated three of the active NSF grants for which I had been serving as the PI or co-PI.

7. One of those NSF grants, issued on July 11, 2024, was for \$3 million. The second grant, issued by NSF on July 2, 2024, was for \$1,154,768. NSF issued the final grant on April 4, 2019, in the amount of \$4 million.

8. The first grants focused on the development of infrastructure to support the goals of the LSAMP program. The overall goal of the LSAMP program is to assist universities and colleges in expanding the nation's STEM workforce by increasing the number of STEM baccalaureate and graduate degrees awarded to individuals from populations underrepresented in STEM. A secondary goal of the program is to support the design, implementation, evaluation/research and dissemination of comprehensive recruitment and retention interventions to support the program’s overarching goal.

9. The second NSF grant allowed the University to organize and host two NSF LSAMP stakeholders convenings, one each in 2024 and 2025. The 2024 convening brought together LSAMP stakeholders to network and discuss progress, programming, and recent advances in broadening participation in STEM, especially within the context of the CHIPS and Science Act. The 2025 LSAMP convening was scheduled for June 5 – 7, 2025 and would have brought together LSAMP Institutional Partner Coordinators from across the Alliances. The planning and organization of the 2025 LSAMP Institutional Partner Coordinators meeting was in the advanced planning stage before the grant supporting the meeting was prematurely terminated by the NSF on May 2, 2025.

10. The overarching goal of the third NSF grant is to foster the expansion of the nation's STEM workforce through comprehensive and evidence-based approaches aimed to broaden the participation of historically underrepresented minority students in STEM and to broaden participation in STEM research literature.

11. In my experience, and as stated in NSF's Proposal & Award Policies and Procedures Guide, all proposed projects submitted to NSF are evaluated for both intellectual merit and broader societal impacts and must score highly in both areas to be considered for funding.

12. In my experience, termination of an active project's funding is rare. Prior to 2025, I have never experienced the termination of NSF funding for a project. To my knowledge, previous terminations only occurred in cases of scientific or budgetary misconduct, typically with prior notice, and included opportunities to respond and correct any underlying issues.

13. On May 2, 2025, NSF sent notice that the three grant awards were terminated. The notices terminating the awards came without any previous process or communication about the projects from NSF. The notices contain little explanation for the termination, and no explanation

with respect to the intellectual merit or broader impact of the underlying project. The notice recites that “termination of certain awards is necessary because they are not in alignment with current NSF priorities” and continues:

“NSF is issuing this termination to protect the interests of the government pursuant to NSF Grant General Conditions (GC-1) term and condition entitled 'Termination and Enforcement,' on the basis that they no longer effectuate the program goals or agency priorities. This is the final agency decision and not subject to appeal.”

14. I understand that NSF’s purpose is to support scientific and engineering research and education. As described in the project description and further scrutinized through the US NSF Merit Review Criteria by the review panel, the three projects advance those goals. NSF recognized as much when, after careful consideration in its ordinary process, it approved funding for the projects.

15. The termination of funding for the three grants awarded by NSF has already resulted in disruption to the University and termination of the projects, with ongoing concerted effort to close out the associated activities prematurely.

16. Students who were being trained on the projects had to terminate all activities, including research activities. Students who were offered opportunities for summer internships were left stranded, with absolutely no way to engage in research. Research has been widely reported in literature to enhance content knowledge and promote retention, and poor or low retention increases the cost of education. The usual intellectual and research engagements by both students and faculty on campus have been brought to an abrupt end.

17. In addition, staff members who were working on the different projects have been laid off due to the termination of the grants.

18. CSU will incur significant, non-refundable costs in order to cancel the 2025 LSAMP conference.

19. There is no way to recover lost time or restore research continuity once disrupted, and staff who depart will take their training and expertise with them, requiring new investment in training.

20. The mass termination of previously approved NSF grants will undermine NSF's mission to support science, engineering and mathematical education and research. Grant terminations make it harder to secure talent needed to continue effective research efforts. These harms are ongoing and, in many instances, irreparable.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 19 day of May 2025, in Chicago, IL.

A handwritten signature in black ink, appearing to read "Chris Botanga". It is written over two horizontal lines.

Dr. Chris Botanga  
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